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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11 KENNETH E. ALSPAUGH, No. 2:22-CV-0761-DMC
12 Petitioner,
13 v. ORDER
14 SUPERIOR COURT OF CALIFORNIA, et
15 al.,
Respondents.

18 Petitioner, who is proceeding pro se, brings this petition for a writ of habeas
19 corpus. Pending before the Court is Petitioner's petition, ECF No. 1. "A petitioner for habeas
20 corpus relief must name the state officer having custody of him or her as the respondent to the
21 petition." Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994); see also Rule
22 2(a), Federal Rules Governing Section 2254 Cases. Because Petitioner has not named the
23 appropriate state officer, Petitioner will be provided leave to amend to correct this technical
24 defect by naming the correct respondent. See Stanley, 21 F.3d at 360. Petitioner is warned that
25 failure to comply with this order may result in the dismissal of this action. See Local Rule 110.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's petition for writ of habeas corpus, ECF No. 1, is dismissed
3 with leave to amend;

4 2. Petitioner shall file an amended petition on the form employed by this
5 court, and which names the proper respondent and states all claims and requests for relief, within
6 30 days of the date of this order; and

7 3. The Clerk of the Court is directed to send Petitioner the Court's form
8 habeas corpus application.

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10 Dated: September 14, 2022



11 DENNIS M. COTA
12 UNITED STATES MAGISTRATE JUDGE
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